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Seventy-first session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 52

Comprehensive review of special political missions

Australia, Brazil, Canada, Colombia, Costa Rica, El Salvador, Estonia, Fiji, Finland, Iceland, Italy, Latvia, Mexico, Netherlands, Norway, Paraguay, Philippines, Republic of Korea, Slovenia, Spain, Switzerland, Sweden, Turkey and Uruguay: draft resolution

Comprehensive review of special political missions

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Recalling its resolutions 67/123 of 18 December 2012, 68/85 of 11 December 2013, 69/95 of 5 December 2014 and 70/92 of 9 December 2015 on the comprehensive review of special political missions,

Reaffirming its commitment to respecting the sovereignty, territorial integrity and political independence of all States,

Recalling the primary role of the United Nations and the respective roles and authority of the General Assembly and the Security Council in the maintenance of international peace and security in accordance with the Charter, and recalling also in this context the contribution of regional and subregional arrangements and the important role they can play, as appropriate,

Acknowledging the adoption by the General Assembly and the Security Council of substantively identical resolutions 70/262 and 2282 (2016) of 27 April 2016, based on the report of the Advisory Group of Experts on the Review of the Peacebuilding Architecture,[1] which enhance the focus on sustaining peace as a goal and a process, including, inter alia, through conflict-prevention efforts across the Organization, and recognizing, in this regard, the important role played by special political missions in this area, where mandated,

[1] See A/69/968-S/2015/490.

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Encouraging enhanced exchanges of information, in an appropriate manner, among the General Assembly, the Security Council and the Secretariat, making use of the advisory role of the Peacebuilding Commission, when relevant, on overall policy matters pertaining to special political missions,

Reaffirming the principles of impartiality, consent of the parties, national ownership and national responsibility, and stressing the significance of the views of and dialogue with countries hosting special political missions,

Recalling the relevant reports on the review of arrangements for funding and backstopping special political missions,[2] which addressed the financial and administrative arrangements pertaining to such missions, recognizing that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

Recognizing, in this regard, the importance of adequately resourcing the peacebuilding components of relevant special political missions, including during mission transitions and drawdown, to support the stability and continuity of peacebuilding activities,

Stressing the need for the United Nations to continue to improve its capabilities in the pacific settlement of disputes, including mediation, conflict prevention, conflict resolution, peacebuilding and sustaining peace, for the maintenance of international peace and security,

Acknowledging the significant increase in the number and complexity of special political missions and the challenges faced by them,

Recognizing the important role of the special political mission as a flexible tool for the maintenance of international peace and security, including through contributing to a comprehensive approach to peacebuilding and sustaining peace,

Recognizing also the need for system-wide coherence between special political missions and the United Nations system, and emphasizing the importance of close cooperation between special political missions, peacekeeping operations and United Nations country teams for maintaining sustainable peace, conflict prevention and conflict resolution,

Recognizing further the need for special political missions to operate under clear, credible and achievable mandates, including through the articulation of their goals and purposes, and the need to review their progress as stipulated in their respective mandates,

Recognizing the importance of efforts towards improving broad geographical representation, gender balance and expertise in the composition of all special political missions, and acknowledging the necessity of reducing the overall environmental footprint of relevant special political missions,

Reaffirming the important role of women in prevention and resolution of conflicts and in peacebuilding, and recognizing the importance of the equal and effective participation and the full involvement of women at all levels, at all stages

[2] A/66/340 and A/66/7/Add.21.

and in all aspects of the peaceful settlement of disputes, conflict prevention and conflict resolution,

Taking note of the report of the Secretary-General[3] and the report of the High-level Independent Panel,[4] on "United Nations peace operations", as well as the report of the Secretary-General on the results of the global study on the implementation of Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,[5] which formed the basis for its subsequent resolutions acknowledging the emphasis on the primacy of political solutions to conflicts,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 70/92;[6]

2. *Requests* the Secretary-General to hold regular, inclusive and interactive dialogue on the overall policy matters pertaining to special political missions, and requests the Secretariat to reach out to Member States prior to the holding of such dialogue to ensure wide and meaningful participation;

3. *Respects* the purview of the mandate of special political missions, as stipulated in the respective relevant resolutions, recognizes the specificity of each mandate of such missions, and emphasizes the role of the General Assembly in discussing the overall policy matters pertaining to special political missions;

4. *Acknowledges* the importance of strong coordination, coherence and cooperation of the Security Council and the General Assembly with the Peacebuilding Commission, and in this regard notes the intention of the Security Council to regularly request, deliberate and draw upon the specific, strategic and targeted advice of the Peacebuilding Commission, including to assist with the longer-term perspective required for sustaining peace being reflected in the formation, review and drawdown of peacekeeping operations and special political missions mandates, as stated in General Assembly resolution 70/262 and Security Council resolution 2282 (2016);

5. *Requests* the Secretary-General to submit to the General Assembly, at its seventy-second session, a timely report on the implementation of the present resolution regarding the overall policy matters pertaining to special political missions, including efforts towards improving expertise and effectiveness, transparency, accountability, geographical representation, gender perspective and women's equal participation, and in this regard requests the Secretary-General to include relevant detailed information on these matters in the report;

6. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "Comprehensive review of special political missions" and to consider the above-mentioned report of the Secretary-General under that item.

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[3] A/70/357-S/2015/682.

[4] See A/70/95-S/2015/446.

[5] S/2015/716.

[6] A/71/330.

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Special Political and Decolonization Committee (Fourth Committee)

Agenda item 49

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Belgium, Bolivia (Plurinational State of), Brunei Darussalam, Bulgaria, Comoros, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Monaco, Morocco, Netherlands, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Serbia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 70/83 of 9 December 2015,

Recalling also its resolution 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling further the relevant resolutions of the Security Council,

Aware of the fact that, for more than six decades, the Palestine refugees have suffered from the loss of their homes, lands and means of livelihood,

Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,

Acknowledging the essential role that the Agency has played for over 65 years since its establishment in ameliorating the plight of the Palestine refugees through the provision of education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance,

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Taking note of the report of the Commissioner-General of the Agency covering the period from 1 January to 31 December 2015,[1]

Taking note also of the update to the special report of 3 August 2015 of the Commissioner-General submitted pursuant to paragraph 21 of General Assembly resolution 302 (IV),[2] which was conveyed by the Secretary-General on 15 September 2016 to the President of the General Assembly, and expressing concern regarding the severe financial crisis of the Agency and the negative implications for the continued delivery of core programmes to the Palestine refugees in all fields of operation,

Aware of the growing needs of the Palestine refugees throughout all the fields of operation, namely, Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and socioeconomic living conditions,

Expressing grave concern in particular at the grave humanitarian situation and socioeconomic conditions of the Palestine refugees in the Gaza Strip, and underlining the importance of emergency and humanitarian assistance and urgent reconstruction efforts,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization[3] and the subsequent implementation agreements,

1. *Notes with regret* that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected, and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and the Palestine refugees continue to require assistance to meet basic health, education and living needs;

2. *Also notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and reiterates its request to the Conciliation Commission to continue exerting efforts towards the implementation of that paragraph and to report to the Assembly on the efforts being exerted in this regard as appropriate, but no later than 1 September 2017;

3. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its unimpeded operation and its provision of services, including emergency assistance, for the well-being, protection and human development of the Palestine refugees and for the stability of the region, pending the just resolution of the question of the Palestine refugees;

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 13* (A/71/13).
[2] A/70/272, annex.
[3] A/48/486-S/26560, annex.

4. *Calls upon* all donors to continue to strengthen their efforts to meet the anticipated needs of the Agency, including with regard to increased expenditures and needs arising from conflicts and instability in the region and the serious socioeconomic and humanitarian situation, particularly in the Occupied Palestinian Territory, and those needs mentioned in recent emergency, recovery and reconstruction appeals and plans for the Gaza Strip and in the regional crisis response plans to address the situation of Palestine refugees in the Syrian Arab Republic and those Palestine refugees who have fled to countries in the region;

5. *Commends* the Agency for its provision of vital assistance to the Palestine refugees and its role as a stabilizing factor in the region and the tireless efforts of the staff of the Agency in carrying out its mandate;

6. *Decides* to extend the mandate of the Agency until 30 June 2020, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III).

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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 70/84 of 9 December 2015,[1]

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2015,[2]

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] with regard to the

[1] A/71/340.

[2] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 13* (A/71/13).

[3] A/48/486-S/26560, annex.

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modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

Taking note also of its resolution 67/19 of 29 November 2012,

1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. *Stresses* the necessity for an accelerated return of displaced persons, and calls for compliance with the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] on the return of displaced persons;

3. *Endorses*, in the meantime, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its seventy-second session on the progress made with regard to the implementation of the present resolution.

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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 70/85 of 9 December 2015,

Recalling also the relevant resolutions of the Security Council,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2015,[1]

Taking note of the letter dated 31 May 2016 from the Chair of the Advisory Commission of the Agency addressed to the Commissioner-General,[2] and noting the extraordinary meeting of the Commission held on 8 September 2016,

Underlining that, at a time of heightened conflict and instability in the Middle East, the Agency continues to play a vital role in ameliorating the plight of the Palestine refugees through the provision of, inter alia, essential education, health, relief and social services programmes and emergency assistance to a registered

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 13* (A/71/13).
[2] Ibid., *Supplement No. 13* (A/71/13), pp. 6-7.

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population of 5.3 million refugees whose situation has become extremely precarious and in providing a crucial measure of stability in the region,

Deeply concerned about the extremely critical financial situation of the Agency, caused by the structural underfunding of the Agency, as well as by rising needs and expenditures resulting from the deterioration of the socioeconomic and humanitarian conditions and the conflicts and rising instability in the region and their significant negative impact on the ability of the Agency to deliver essential services to the Palestine refugees, including its emergency, recovery, reconstruction and development programmes in all fields of operation,

Taking note of the update to the special report of 3 August 2015 of the Commissioner-General, submitted pursuant to paragraph 21 of General Assembly resolution 302 (IV) and conveyed by the Secretary-General on 15 September 2016 to the President of the General Assembly, regarding the severe financial crisis of the Agency and the negative implications for the continued delivery of core Agency programmes to the Palestine refugees in all fields of operation,

Expressing appreciation for the efforts of donors and host countries to respond to the continuing financial crisis, and expressing particular appreciation to the donors that extended generous support following the special report of 3 August 2015 of the Commissioner-General and the update of 15 September 2016 thereto, while acknowledging the steadfast support of all other donors to the Agency, and stressing the need for urgent efforts to comprehensively address the recurrent funding shortfalls affecting the Agency's operations,

Recognizing the Agency's efforts to develop innovative and diversified means to mobilize resources, including through partnerships with international financial institutions, the private sector and civil society,

Commending the Agency for the measures taken to address the financial crisis, including internal measures to contain costs, and expressing profound concern that, despite stringent efficiency measures and controls on expenditures, the Agency's programme budget, which is funded primarily by voluntary contributions from Member States and intergovernmental organizations, faces persistent shortfalls that are increasingly threatening the delivery of the Agency's core programmes of assistance to the Palestine refugees,

Stressing the need to support the Agency's capacity to uphold its mandate and to avert the serious humanitarian, political and security risks that would result from any interruption or suspension of its vital work,

Recognizing that the recurring and growing financial shortfalls directly affecting the sustainability of the Agency's operations need to be remedied by examining new funding modalities designed to put the Agency on a stable financial footing to enable it to effectively carry out its core programmes in accordance with its mandate and commensurate with humanitarian needs,

Welcoming the affirmation in the New York Declaration for Refugees and Migrants, adopted by the General Assembly on 19 September 2016,[3] that, inter alia,

[3] Resolution 71/1.

the Agency, along with other relevant organizations, requires sufficient funding to be able to carry out its activities effectively and in a predictable manner,

Welcoming also the support for the Agency reaffirmed at the ministerial meetings convened on 26 September 2015 and 4 May 2016, at the high-level conference convened on 2 June 2015 in New York to commemorate the sixty-fifth anniversary of the commencement of the Agency's operations and at other high-level meetings,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,[4]

Recalling also the Convention on the Safety of United Nations and Associated Personnel,[5]

Recalling further its resolutions 70/104 of 10 December 2015 on the safety and security of humanitarian personnel and the protection of United Nations personnel and 70/106 of 10 December 2015 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, calling upon, inter alia, all States to ensure respect for and the protection of all humanitarian personnel and United Nations and associated personnel, to respect the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance and to respect and ensure respect for the inviolability of United Nations premises,

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[6] to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of the Palestine refugees in all fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Bearing in mind the 2030 Agenda for Sustainable Development,[7] including the pledge that no one will be left behind, emphasizing that the Sustainable Development Goals apply to all, including refugees, and that the Agency's work in assisting the Palestine refugees is essential for their human development, and underscoring the Goals and targets on education, health care and youth, among others,

Gravely concerned about the extremely difficult socioeconomic conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, as a result of the recurrent military operations, continuing prolonged Israeli closures, the construction of settlements and the wall, and the severe economic and movement restrictions that in effect amount to a blockade, which have deepened unemployment and poverty rates among the refugees, with potentially lasting, long-term negative effects, while taking note of developments with regard to the situation of access there,

[4] Resolution 22 A (I).
[5] United Nations, *Treaty Series*, vol. 2051, No. 35457.
[6] Ibid., vol. 75, No. 973.
[7] Resolution 70/1.

Deploring the conflict in and around the Gaza Strip in July and August 2014, and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and older persons, as well as the widespread destruction of or damage to thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, as well as the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Deploring also attacks affecting United Nations installations, including Agency schools sheltering displaced civilians, and all other breaches of the inviolability of United Nations premises during the conflict in the Gaza Strip in July and August 2014, as reported in the summary by the Secretary-General of the report of the Board of Inquiry[8] and by the independent commission of inquiry established pursuant to Human Rights Council resolution S 21/1,[9] and stressing the imperative of ensuring accountability,

Gravely concerned about the lasting negative repercussions of the military operations in the Gaza Strip between December 2008 and January 2009, in November 2012 and in July and August 2014 on the humanitarian and socioeconomic situation of the Palestine refugees in the Gaza Strip, including high rates of food insecurity, poverty, displacement and depletion of coping capacities, and taking note in this regard of the United Nations country team report of 26 August 2016, entitled "Gaza: two years after",

Commending the Agency for its extraordinary efforts to provide shelter, emergency relief, medical, food, protection and other humanitarian assistance during the military operations of July and August 2014,

Recognizing the need for the swift implementation of all aspects of the temporary tripartite agreement facilitated by the United Nations in September 2014, and stressing the urgent need for the lifting of all Israeli closures and restrictions on the Gaza Strip and for the reconstruction of destroyed homes and infrastructure,

Recalling, in this regard, its resolution ES-10/18 of 16 January 2009 and Security Council resolution 1860 (2009) of 8 January 2009, as well as the Agreement on Movement and Access of 15 November 2005,

Calling upon Israel to ensure the expedited and unimpeded import of all necessary construction materials into the Gaza Strip and to reduce the burdensome cost of importation of Agency supplies, while taking note of recent developments with regard to the tripartite agreement facilitated by the United Nations,

Expressing concern about the severe classroom shortage in the Gaza Strip and the consequent negative impact on the right to education of refugee children,

Stressing the urgent need for the advancement of reconstruction in the Gaza Strip, including by ensuring the timely facilitation of construction projects,

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[8] S/2015/286, annex.

[9] See A/HRC/29/52.

including extensive shelter repair, and the need for the accelerated implementation of other urgent United Nations-led civilian reconstruction activities,

Welcoming contributions made to the Agency's emergency appeals for the Gaza Strip, and calling urgently upon the international community for continued support in accordance with the Agency's strategic response plan,

Urging the full disbursement of pledges made at the Cairo International Conference on Palestine: Reconstructing Gaza, held on 12 October 2014, for ensuring the provision of the necessary humanitarian assistance and accelerating the reconstruction process,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and must ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, as well as through its presence at Gaza's crossing points,

Noting with appreciation the progress made towards rebuilding the Nahr el Bared refugee camp, commending the Government of Lebanon, donors, the Agency and other parties concerned for the continuing efforts to assist affected and displaced refugees, and emphasizing the need for additional funding to complete the reconstruction of the camp and end without delay the displacement from the camp of thousands of residents whose shelters have not been rebuilt,

Expressing deep concern at the critical situation of Palestine refugees in the Syrian Arab Republic and at the impact of the crisis on the Agency's installations and its ability to deliver its services, and regretting profoundly the loss of life and widespread displacement among refugees and the killing of 18 staff members of the Agency in the crisis since 2012,

Emphasizing the need for increased assistance to Palestine refugees in the Syrian Arab Republic as well as those who have fled to neighbouring countries, and emphasizing the necessity of ensuring open borders for Palestine refugees fleeing the crisis in the Syrian Arab Republic, consistent with the principles of non-discrimination and non-refoulement under international law, and recalling in this regard the statement by the President of the Security Council of 2 October 2013[10] and the New York Declaration for Refugees and Migrants,

Aware of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees, and recalling the need for the protection of all civilians in situations of armed conflict,

Deploring the endangerment of the safety of the Agency's staff and the damage and destruction caused to the facilities and properties of the Agency during the period covered by the report of the Commissioner-General, and stressing the

[10] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (S/INF/69).

need to maintain the neutrality and safeguard the inviolability of United Nations premises, installations and equipment at all times,

Deploring also the breaches of the inviolability of United Nations premises, the failure to accord the property and assets of the Organization immunity from any form of interference and the failure to protect United Nations personnel, premises and property,

Deploring further the killing and injury of Agency staff members by the Israeli occupying forces in the Occupied Palestinian Territory since September 2000, including the 11 Agency personnel killed during the military operations in the Gaza Strip in July and August 2014,

Deploring the killing and wounding of refugee children and women sheltering in the Agency schools by the Israeli occupying forces during the military operations of July and August 2014,

Affirming the need for accountability and compensation to victims of violations of international law in accordance with international standards by all sides,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement and access of the Agency's staff, vehicles and goods, and the injury, harassment and intimidation of the Agency's staff, which undermine and obstruct the work of the Agency, including its ability to provide essential basic and emergency services,

Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[11] by the Conference of High Contracting Parties to the Fourth Geneva Convention, including the call upon parties to facilitate the activities of the Agency, to guarantee its protection and to refrain from levying taxes and imposing undue financial burdens,

Aware of the agreement between the Agency and the Government of Israel,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,[12]

1. *Reaffirms* that the effective functioning of the United Nations Relief and Works Agency for Palestine Refugees in the Near East remains essential in all fields of operation;

2. *Expresses its appreciation* to the Commissioner-General of the Agency, as well as to all the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the difficult conditions, instability and crises faced during the past year;

3. *Expresses special commendation* to the Agency for the essential role that it has played for more than 65 years since its establishment in providing vital services for the well-being, human development and protection of the Palestine refugees and the amelioration of their plight and for the stability of the region, and

[11] A/69/711-S/2015/1, annex.

[12] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13* (A/49/13), annex I.

affirms the necessity for continuing the work of the Agency and its unimpeded operation and provision of services, pending the just resolution of the question of the Palestine refugees;

4. *Commends* the Agency for its extraordinary efforts, in cooperation with other United Nations agencies on the ground, to provide emergency humanitarian assistance, including shelter, food and medical aid, to refugees and affected civilians during and since the military operations in the Gaza Strip in July and August 2014, and recognizes its exemplary capacity to mobilize in emergency situations while continuously carrying out its core human development programmes;

5. *Expresses its appreciation* for the important support and cooperation provided by the host Governments to the Agency in the discharge of its duties;

6. *Also expresses its appreciation* to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities;

7. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East[13] and the efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

8. *Commends* the Agency for its six-year medium-term strategy for 2016-2021 and the Commissioner-General for his continuing efforts to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2016-2017;[14]

9. *Also commends* the Agency for sustaining its reform efforts, despite difficult operational circumstances, and recognizes its implementation of maximum efficiency procedures to reduce operational and administrative costs and to maximize the use of resources;

10. *Takes note* of the update to the special report of 3 August 2015 of the Commissioner-General, submitted pursuant to paragraph 21 of General Assembly resolution 302 (IV) and conveyed by the Secretary-General on 15 September 2016 to the President of the General Assembly, regarding the severe financial crisis of the Agency, and urges all States and international organizations to actively engage in efforts to address the conclusions and recommendations therein;

11. *Also takes note* of the letter dated 19 September 2016 from the President of the General Assembly appealing for active and collective engagement in efforts to urgently address the Agency's fragile state, including through action in support of the recommendations contained in the update to the special report;

12. *Commends* the Agency for its far-reaching measures to address its recurrent financial crisis, and encourages the Agency to continue its efforts to reduce the shortfalls in its programme budget in order to safeguard the delivery of core programmes;

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[13] A/71/350.

[14] *Official Records of the General Assembly, Seventieth Session, Supplement No. 13A* (A/70/13/Add.1).

13. *Calls upon* all donors and relevant stakeholders to support the Agency, with a view to ensuring a sustainable and stable financial situation for the Agency in order to safeguard core programmes, pending the just resolution of the question of the Palestine refugees;

14. *Takes note with appreciation* of the report of the Secretary-General on the strengthening of the management capacity of the Agency,[15] and urges all Member States to carefully consider the conclusions and recommendations contained therein, including the continued provision of financial resources from the regular budget of the United Nations, in the light of the recurrent funding shortfalls faced by the Agency;

15. *Endorses* the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as is practicable, on an emergency basis and as a temporary measure, to persons in the area who are internally displaced and in serious need of continuing assistance as a result of recent crises in the Agency's fields of operation;

16. *Encourages* the Agency to provide increased assistance, in accordance with its mandate, to affected Palestine refugees in the Syrian Arab Republic as well as to those who have fled to neighbouring countries, as detailed in the Syrian regional crisis response plans, and calls upon donors to urgently ensure sustained support to the Agency in this regard in the light of the continuing grave deterioration of the situation and the growing needs of the refugees;

17. *Welcomes* the progress made thus far by the Agency in rebuilding the Nahr el-Bared refugee camp in northern Lebanon, and calls for donor funding to enable the expeditious completion of its reconstruction, for the continued provision of relief assistance to those displaced following its destruction in 2007 and for the alleviation of their ongoing suffering through the provision of the necessary support and financial assistance until the reconstruction of the camp is complete;

18. *Encourages* the Agency, in close cooperation with other relevant United Nations entities, to continue to make progress in addressing the needs, rights and protection of children, women and persons with disabilities in its operations, including through the provision of necessary psychosocial and humanitarian support, in accordance with the Convention on the Rights of the Child,[16] the Convention on the Elimination of All Forms of Discrimination against Women[17] and the Convention on the Rights of Persons with Disabilities;[18]

19. *Recognizes* the acute protection needs of Palestine refugees across the region, and encourages the Agency's efforts to contribute to a coordinated and sustained response in accordance with international law, including the Agency's development of its protection framework and function in all field offices, including for child protection;

20. *Commends* the Agency for its provision of humanitarian and psychosocial support and other initiatives that provide recreational, cultural and

[15] A/65/705.
[16] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[17] Ibid., vol. 1249, No. 20378.
[18] Ibid., vol. 2515, No. 44910.

educational activities for children in all fields, including in the Gaza Strip, and, recognizing their positive contribution, calls for full support for such initiatives by donor and host countries and encourages the building and strengthening of partnerships to facilitate and enhance the provision of these services;

21. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[7]

22. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[8] in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times;

23. *Takes note* of the investigations into the incidents affecting the Agency's facilities during the conflict in the Gaza Strip in July and August 2014, and calls for ensuring accountability for all violations of international law;

24. *Urges* the Government of Israel to expeditiously reimburse the Agency for all transit charges incurred and other financial losses sustained as a result of the delays and restrictions on movement and access imposed by Israel;

25. *Calls upon* Israel particularly to cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and to cease levying taxes, extra fees and charges, which affect the Agency's operations detrimentally;

26. *Reiterates its call upon* Israel to fully lift the restrictions impeding or delaying the import of necessary construction materials and supplies for the reconstruction and repair of thousands of damaged or destroyed refugee shelters, and for the implementation of suspended and urgently needed civilian infrastructure projects in refugee camps in the Gaza Strip, noting the alarming figures reflected in the United Nations country team report of 26 August 2016, entitled "Gaza: two years after";

27. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

28. *Notes with appreciation* the positive contribution of the Agency's microfinance and job creation programmes, encourages efforts to enhance the sustainability and benefits of microfinance services to a greater number of Palestine refugees, especially in view of the high unemployment rates affecting them, and youth in particular, welcomes the Agency's efforts to streamline costs and increase microfinance services through internal reform efforts, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

29. *Reiterates its appeals* to all States, the specialized agencies and non-governmental organizations to continue and to augment their contributions to the programme budget of the Agency, to increase their special allocations for grants and scholarships for higher education to Palestine refugees and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the

Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

30. *Urges* all States, the specialized agencies and non-governmental organizations to support the Agency's valuable and necessary work in assisting the Palestine refugees in all fields of operation by providing or increasing their contributions to the Agency in order to address the serious financial constraints and underfunding affecting its programme budget, noting that financial needs have been exacerbated by conflicts and instability in the recent period and the deteriorating humanitarian situation on the ground;

31. *Calls*, in this regard, for the full and timely funding by donors of the Agency's emergency, recovery and reconstruction programmes as set out in its emergency appeals and response plans;

32. *Requests* the Secretary-General to facilitate broad consultations with Member States, notably host countries, members of the Advisory Commission and other donors, as well as with international financial institutions, to explore all potential ways and means, including through voluntary and assessed contributions, to ensure that the Agency's funding is sufficient, predictable and sustained for the duration of its mandate, and requests the Secretary-General to report on the conclusions of those consultations and recommendations to the General Assembly by March 2017 for its consideration, without prejudice to the advice of relevant committees.

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Special Political and Decolonization Committee (Fourth Committee)

Agenda item 49

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Belgium, Bolivia (Plurinational State of), Brunei Darussalam, Bulgaria, Comoros, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Netherlands, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Serbia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948 and 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted pursuant to its resolution 70/86 of 9 December 2015,[1] as well as that of the United Nations Conciliation Commission for Palestine for the period from 1 September 2015 to 31 August 2016,[2]

Recalling that the Universal Declaration of Human Rights[3] and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

[1] A/71/343.
[2] A/71/335.
[3] Resolution 217 A (III).

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Noting the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report,[4] and the fact that the Land Office had a schedule of Arab owners and a file of documents defining the location, area and other particulars of Arab property,

Expressing its appreciation for the preservation and modernization of the existing records, including the land records, of the Conciliation Commission, and stressing the importance of such records for a just resolution of the plight of the Palestine refugees in conformity with resolution 194 (III),

Recalling that, in the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,[5] to commence negotiations on permanent status issues, including the important issue of the refugees,

1. *Reaffirms* that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

3. *Calls once again upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues within the framework of the final status peace negotiations;

6. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

[4] *Official Records of the General Assembly, Nineteenth Session, Annexes*, Annex No. 11, document A/5700.

[5] A/48/486-S/26560, annex.

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Special Political and Decolonization Committee (Fourth Committee)

Agenda item 50

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 70/87 of 9 December 2015, and the relevant resolutions of the Human Rights Council, including resolutions S-12/1 of 16 October 2009,[4] S-21/1 of 23 July 2014[5] and 29/25 of 3 July 2015,[6]

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Resolution 217 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53A* (A/64/53/Add.1), chap. I.
[5] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. VI.

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Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[7] and recalling in this regard its resolution ES-10/15 of 20 July 2004,

Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[8] by the Conference of High Contracting Parties to the Fourth Geneva Convention, and welcoming initiatives by States parties, both individually and collectively, according to article 1 of the Convention and aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also its resolution 58/292 of 6 May 2004,

Taking note of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[9]

Taking note also of Human Rights Council resolution 31/36 of 24 March 2016,[10]

Convinced that occupation itself represents a gross and grave violation of human rights,

Noting with deep regret the onset of the fiftieth year of the Israeli occupation, and stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution for the question of Palestine,

Recognizing that the occupation and ensuing persistent and systematic violations of international law by Israel, including international humanitarian and human rights law, are considered to be the main sources of other Israeli violations and discriminatory policies against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the continuing detrimental impact of ongoing unlawful Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in the death and injury of civilians and the widespread destruction of property and vital infrastructure, including during the Israeli military operations in the Gaza Strip in July and August

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[7] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.

[8] See A/ES-10/273 and Corr.1.

[9] A/69/711-S/2015/1, annex.

[10] A/HRC/22/63.

[10] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

2014, as well as ongoing settlement activities and construction of the wall, the internal forced displacement of civilians, the imposition of collective punishment measures, particularly against the civilian population in the Gaza Strip, where continuing severe restrictions on movement amount to a blockade, and the detention and imprisonment of thousands of Palestinians,

Expressing grave concern about tensions, instability and violence in the Occupied Palestinian Territory, including East Jerusalem, due to the illegal policies and practices of Israel, the occupying Power, including in particular provocations and incitements regarding the holy places of Jerusalem, including the Haram al-Sharif,

Gravely concerned about all acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians and properties, including homes, mosques, churches and agricultural lands,

Gravely concerned also by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry[11] and in the report of the United Nations Fact-Finding Mission on the Gaza Conflict,[12] and reiterating the necessity for serious follow-up by all parties to the recommendations addressed to them towards ensuring accountability and justice,

Deploring the killing and injury of thousands of civilians, including women and children, during the military operations in the Gaza Strip in July and August 2014,

Taking note of the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1,[13] and stressing the imperative of ensuring accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[14] and the relevant reports of the Secretary-General,[15]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[16] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Stressing the urgency of bringing a complete end to the Israeli occupation that began in 1967 and thus an end to the violation of the human rights of the Palestinian people, and of allowing for the realization of their inalienable human rights, including their right to self-determination and their independent State,

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[11] See A/63/855-S/2009/250.
[12] A/HRC/12/48.
[13] A/HRC/29/52.
[14] A/71/352.
[15] A/71/321, A/71/392, A/71/315, A/71/355 and A/71/364.
[16] A/48/486-S/26560, annex.

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011,[17]

Recalling its resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations, and taking note of the follow-up report of the Secretary-General,[18]

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its impartiality and efforts in performing the tasks assigned to it by the General Assembly in spite of the obstruction of its mandate;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate, and deplores the continued lack of cooperation in this regard;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;[14]

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, particularly in the Gaza Strip, as a result of unlawful Israeli practices and measures, and especially condemns and calls for the immediate cessation of all illegal Israeli settlement activities and the construction of the wall, the lifting of the blockade of the Gaza Strip, as well as a complete cessation of the excessive and indiscriminate use of force and military operations against the civilian population, settler violence, the destruction and confiscation of properties, including home demolitions as a measure of reprisal, the forced displacement of civilians, all measures of collective punishment, and the detention and imprisonment of thousands of civilians;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

[17] A/66/371-S/2011/592.

[18] A/67/738.

7. *Further requests* the Special Committee to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and expresses grave concern about harsh conditions and ill-treatment of prisoners and recent hunger strikes, stressing the need for respect for all applicable rules of international law, including the Fourth Geneva Convention,[7] the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[19] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[20]

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To utilize his good offices to facilitate and support the Special Committee in carrying out its mandate;

(c) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(d) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(e) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(f) To report to the General Assembly at its seventy-second session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

[19] Resolution 70/175, annex.
[20] Resolution 65/229, annex.

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Special Political and Decolonization Committee (Fourth Committee)

Agenda item 50

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including resolution 70/88 of 9 December 2015,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and relevant provisions of customary law, including those codified in Additional Protocol I[2] to the four Geneva Conventions,[3]

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the relevant reports of the Secretary-General,[5]

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Ibid., vol. 1125, No. 17512.
[3] Ibid., vol. 75, Nos. 970-973.
[4] A/70/406 and Corr.1.

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Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[6] and also recalling General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the Fourth Geneva Convention[1] is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Recalling the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, held on 15 July 1999, as well as the Declarations adopted by the reconvened Conference on 5 December 2001 and on 17 December 2014,[7] and the urgent need for the parties to follow up the implementation of those Declarations,

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention, as well as the continuing efforts of the depositary State of the Geneva Conventions in this regard,

Noting the accession by Palestine on 1 April 2014 to the Geneva Conventions and Additional Protocol I,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions[3] and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,[6] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Notes* the reconvening by Switzerland, the depositary State, of the Conference of High Contracting Parties to the Convention on 17 December 2014,

[3] A/70/133, A/70/312, A/70/341, A/70/351 and A/70/421.
[6] See A/ES-10/273 and Corr.1.
[7] A/69/711-S/2015/1, annex.

and calls for efforts to uphold the obligations reaffirmed in the Declarations adopted on 5 December 2001 and 17 December 2014;

5. *Welcomes* initiatives by States parties, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

6. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly, including at its tenth emergency special session and including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

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Agenda item 50

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Belgium, Bolivia (Plurinational State of), Brunei Darussalam, Bulgaria, Comoros, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Netherlands, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Serbia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and State of Palestine: draft resolution

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 70/89 of 9 December 2015, as well as those resolutions adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Affirming that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva

[1] United Nations, *Treaty Series*, vol. 75, No. 973.

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Convention[1] and relevant provisions of customary law, including those codified in Additional Protocol I[2] to the four Geneva Conventions,[3]

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[4] and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",[5]

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,[6]

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[7]

Recalling also the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[8] by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling further the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[9] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[10] and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Recalling also its resolution 67/19 of 29 November 2012,

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of

[1] Ibid., vol. 1125, No. 17512.
[2] Ibid., vol. 75, Nos. 970-973.
[3] See A/ES-10/273 and Corr.1.
[4] Ibid., advisory opinion, para. 120.
[5] A/HRC/31/73; see also A/71/554.
[6] A/HRC/22/63.
[7] A/69/711-S/2015/1, annex.
[8] A/48/486-S/26560, annex.
[9] S/2003/529, annex.

land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Bearing in mind the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

Condemning settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land,

Deploring in particular Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Taking note of the Quartet report of 1 July 2016,[1] and stressing its recommendations, as well as its recent statements, including of 30 September 2015, 23 October 2015, 12 February 2016 and 23 September 2016, in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

Deploring the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, and which could prejudge future negotiations and make the two-State solution physically impossible to implement,

[1] S/2016/595, annex.

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Condemning acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Condemning also all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

Taking note of the relevant reports of the Secretary-General,[12]

Noting the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

4. *Calls* for the consideration of measures of accountability, in accordance with international law, in the case of continued non-compliance, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

5. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;

[12] A/71/315, A/71/321, A/71/352, A/71/355, A/71/364 and A/71/392.

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;[4]

7. *Reiterates its call* for the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

8. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

9. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

11. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[5] by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

12. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,[6] concerning the Guiding Principles on Business and Human Rights[7] and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

13. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

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[4] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

[5] A/HRC/17/31, annex.

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General Assembly

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Seventy-first session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 50

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and State of Palestine: draft resolution

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1]

Recalling also the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and the Convention on the Rights of the Child,[3] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming its relevant resolutions, including resolution 70/90 of 9 December 2015 as well as those adopted at its tenth emergency special session,

Recalling the relevant resolutions of the Human Rights Council,

Recalling also the relevant resolutions of the Security Council, and stressing the need for their implementation,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

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Please recycle

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the report of the Secretary-General on the work of the Special Committee,[5]

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,[6] as well as of other relevant recent reports of the Human Rights Council,

Taking note also of the recent report by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,[7]

Deeply regretting the onset of the fiftieth year of the Israeli occupation, and stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[8] and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Taking note of its resolution 67/19 of 29 November 2012,

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[9] to the Occupied

[4] A/71/352.
[5] A/71/315.
[6] A/HRC/28/78 and A/HRC/31/73; see also A/71/554.
[7] A/71/86-E/2016/13.
[8] See A/ES-10/273 and Corr.1.
[9] United Nations, *Treaty Series*, vol. 75, No. 973.

Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[9] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[10] by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11]

Stressing also the need for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip,

Gravely concerned by the tensions and violence in the recent period throughout the Occupied Palestinian Territory, including East Jerusalem and including with regard to the holy places of Jerusalem, including the Haram al-Sharif, and deploring the loss of innocent civilian life,

Recognizing that security measures alone cannot remedy the escalating tensions, instability and violence, and calling for full respect for international law, including humanitarian and human rights law, including for the protection of civilian life, as well as for the promotion of human security, the de-escalation of the situation, the exercise of restraint, including from provocative actions and rhetoric, and the establishment of a stable environment conducive to the pursuit of peace,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the arbitrary imprisonment and detention of Palestinians, some of whom have been imprisoned for decades; the use of collective punishment; the closure of areas; the confiscation of land, the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the destruction of property and

[10] A/69/711-S/2015/1, annex.

[11] S/2003/529, annex.

infrastructure; the forced displacement of civilians, including attempts at forced transfers of Bedouin communities; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned by the ongoing demolition of Palestinian homes, as well as of structures provided as humanitarian aid, by Israel, the occupying Power, in particular in Occupied East Jerusalem, including if carried out as an act of collective punishment in violation of international humanitarian law, which has escalated at unprecedented rates, and by the revocation of residence permits and eviction of Palestinian residents of the City,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and the elderly, the widespread destruction of thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites, and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned about the disastrous humanitarian situation and the critical socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and deepen poverty and despair among the Palestinian civilian population, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

Recalling the statement by the President of the Security Council of 28 July 2014,[12]

Stressing the need for the full implementation by all parties of Security Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

Stressing also that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides, and regretting the lack of progress made in this regard,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry[13] and in the report of the United Nations Fact-finding Mission on the Gaza

[12] S/PRST/2014/13; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (S/INF/69).

[13] See A/63/855-S/2009/250.

Conflict,[14] and the findings of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July and 26 August 2014[15] and of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1,[16] and reiterating the necessity for serious follow-up by all parties of the recommendations addressed to them towards ensuring accountability and justice,

Stressing the need for protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attacks and harassment,

Expressing deep concern about the short- and long-term detrimental impact of widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population,

Taking note in this regard of the United Nations country team report of 26 August 2016, entitled "Gaza: two years after", and the alarming figures therein,

Expressing deep concern about the Israeli policy of closures and the imposition of severe restrictions, including through hundreds of obstacles to movement, checkpoints and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, and the follow-up and access to donor-funded projects of development cooperation and humanitarian assistance, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, consequently violating the human rights of the Palestinian people and negatively impacting their socioeconomic and humanitarian situation, which remains dire in the Gaza Strip, and the efforts aimed at rehabilitating and developing the Palestinian economy, while taking note of developments with regard to the situation of access there and the resumption of some trade from Gaza to the West Bank for the first time since 2007, and calling for the full lifting of restrictions,

Expressing grave concern that thousands of Palestinians, including many children and women, continue to be held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, the extensive use of administrative detention of excessive duration without charge and denial of due process, lack of proper medical care and widespread medical neglect, including for prisoners who are ill, with the risk of fatal consequences, and denial of family visits, that impair their well-being, and expressing grave concern also about the ill-treatment and harassment and all reports of torture of any Palestinian prisoners,

Expressing deep concern about the recent hunger strikes by numerous Palestinian prisoners in protest of the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

[14] A/HRC/12/48.
[15] See S/2015/286, annex.
[16] A/HRC/29/52.

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[17] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[18] and calling for respect for those Rules,

Recalling also the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Deploring the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in line with international humanitarian law and human rights law, in order to ensure dignified closure in accordance with their religious beliefs and traditions,

Stressing the need for the prevention of all acts of violence, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers, especially against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, including in Occupied East Jerusalem, and deploring the violation of the human rights of Palestinians in this regard, including acts of violence leading to death and injury among civilians,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Noting the continued efforts and tangible progress made in the Palestinian security sector, and noting also the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Urging the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, including in East Jerusalem, and to take every possible step to defuse tensions and promote conditions conducive to the credibility and success of the peace negotiations,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[9] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians, the forced displacement of civilians, including attempts at forced transfers of Bedouin

[17] Resolution 70/175, annex.
[18] Resolution 65/229, annex.

communities, the destruction and confiscation of civilian property, including home demolitions, including if carried out as collective punishment in violation of international humanitarian law, and any obstruction of humanitarian assistance, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[9] and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Also calls for* full cooperation by Israel with the relevant special rapporteurs and other relevant mechanisms and inquiries of the Human Rights Council, including the facilitation of entry to the Occupied Palestinian Territory, including East Jerusalem, for monitoring and reporting on the human rights situation therein according to their respective mandates;

6. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which, inter alia, gravely and detrimentally impact the human rights of the Palestinian people, and the prospects for achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides;

7. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, including those on hunger strike, calls for efforts between the two sides for the further release of prisoners and detainees, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[17] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[18]

8. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians;

9. *Expresses grave concern* at the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

10. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

11. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[8] and as demanded in General Assembly resolutions ES-10/15 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparations for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socioeconomic living conditions of the Palestinian people;

12. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

13. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and in this regard to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue and massive reconstruction needs and economic recovery in the Gaza Strip, while noting the recent tripartite agreement facilitated by the United Nations in this regard;

14. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

15. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights, and welcomes in this regard the formation of the Palestinian national consensus government under the leadership of President Mahmoud Abbas, consistent with the Palestine Liberation Organization commitments and the Quartet principles;

16. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

17. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

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General Assembly

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Seventy-first session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 50

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Nicaragua, Nigeria, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and State of Palestine: draft resolution

The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1]

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the most recent of which was resolution 70/91 of 9 December 2015,

Having considered the report of the Secretary-General submitted in pursuance of resolution 70/91,[2]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

[1] A/71/352.
[2] A/71/392.

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Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

United Nations A/C.4/71/L.16

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Seventy-first session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 121

Revitalization of the work of the General Assembly

Draft decision submitted by the Bureau

Proposed programme of work and timetable of the Special Political and Decolonization Committee (Fourth Committee) for the seventy-second session of the General Assembly

The General Assembly approves the proposed programme of work and timetable of the Special Political and Decolonization Committee (Fourth Committee) for the seventy-second session of the Assembly as follows:

Proposed programme of work and timetable of the Special Political and Decolonization Committee (Fourth Committee) for the seventy-second session of the General Assembly

Date/time	Programme
Week of 25-29 September	
Thursday, 28 September	
10-11 a.m.	Organization of work
	Approval of programme of work
	Approval of time limits for statements
	Establishment of Working Group of the Whole
	Consideration of aide-memoire containing requests to petition on Non-Self-Governing Territories

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Date/time	Programme
Week of 2-6 October	
Monday, 2 October	
3 p.m.	Introductory statements and joint general debate on decolonization items:
	Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations
	Economic and other activities that affect the interests of the peoples of the Non-Self-Governing Territories
	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations
	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories
	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
	Approval of requests to petition on Non-Self-Governing Territories
6 p.m.	Closure of the list of speakers on decolonization items
	Deadline for submission of proposals on decolonization items
Tuesday, 3 October	
3 p.m.	Consideration of decolonization items (*continued*):
	Statements by representatives of Non-Self-Governing Territories as well as petitions on Non-Self-Governing Territories approved to be heard by the Committee
Wednesday, 4 October	
3 p.m.	Consideration of decolonization items (*continued*):
	Statements by representatives of Non-Self-Governing Territories as well as petitions on Non-Self-Governing Territories approved to be heard by the Committee
Thursday, 5 October	
3 p.m.	Consideration of decolonization items (*continued*):
	Statements by representatives of Non-Self-Governing Territories as well as petitions on Non-Self-Governing Territories approved to be heard by the Committee

Date/time	*Programme*
Friday, 6 October	
3 p.m.	Consideration of decolonization items (*continued*)
	Statements by representatives of Non-Self-Governing Territories as well as petitions on Non-Self-Governing Territories approved to be heard by the Committee
	Joint general debate on decolonization items (*continued*)
Week of 9-13 October	
Monday, 9 October	
10 a.m.	Joint general debate on decolonization items (*continued*)
Tuesday, 10 October	
10 a.m.	Joint general debate on decolonization items (*concluded*)
	Action on proposals submitted under decolonization items
Wednesday, 11 October	
10 a.m.	Introductory statement and general debate on:
	International cooperation in the peaceful uses of outer space
	Working Group of the Whole on international cooperation in the peaceful uses of outer space
Thursday, 12 October	
10 a.m.	**International cooperation in the peaceful uses of outer space**
	Joint panel discussion of the First and Fourth Committees on possible challenges to space security and sustainability
Friday, 13 October	
10 a.m.	**International cooperation in the peaceful uses of outer space**
	General discussion (*continued*)
	Working Group of the Whole on international cooperation in the peaceful uses of outer space (*continued*)
Week of 16-20 October	
Tuesday, 17 October	
3 p.m.	**International cooperation in the peaceful uses of outer space**
	General discussion (*concluded*)
	Working Group of the Whole on international cooperation in the peaceful uses of outer space (*concluded*)

Date/time	Programme
Wednesday, 18 October	
3 p.m.	Introductory statement, interactive dialogue and general debate on:
	Questions relating to information
Thursday, 19 October	
	Diwali
Friday, 20 October	
3 p.m.	**Questions relating to information**
	General debate (*continued*)
6 p.m.	Closure of the list of speakers on "Questions relating to information"
Week of 23-27 October	
Tuesday, 24 October	
10 a.m.	**Questions relating to information**
	General debate (*concluded*)
	Action on proposals
Wednesday, 25 October	
10 a.m.	Introductory statement, interactive dialogue and general debate on:
	Comprehensive review of the whole question of peacekeeping operations in all their aspects
1 p.m.	Closure of the list of speakers on "Comprehensive review of the whole question of peacekeeping operations in all their aspects"
Thursday, 26 October	
10 a.m.	**Comprehensive review of the whole question of peacekeeping operations in all their aspects**
	General debate (*continued*)
Friday, 27 October	
10 a.m.	**Comprehensive review of the whole question of peacekeeping operations in all their aspects**
	General debate (*continued*)

Date/time	*Programme*
Week of 30 October-3 November	
Monday, 30 October	
3 p.m.	**Comprehensive review of the whole question of peacekeeping operations in all their aspects**
	General debate *(concluded)*
Tuesday, 31 October	
3 p.m.	Introductory statements, general debate and action on proposal on:
	Comprehensive review of special political missions
Wednesday, 1 November	
3 p.m.	Introductory statements, interactive dialogue, general debate and action on proposal on:
	Assistance in mine action
Thursday, 2 November	
3 p.m.	Introductory statements, general debate and action on proposal on:
	Effects of atomic radiation
Friday, 3 November	
3 p.m.	Introductory statement, question-and-answer period and general debate on:
	United Nations Relief and Works Agency for Palestine Refugees in the Near East
6 p.m.	Deadline for submission of proposals on "United Nations Relief and Works Agency for Palestine Refugees in the Near East" and "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories"
	Deadline for submission of proposals on all outstanding items
Week of 6-10 November	
Monday, 6 November	
10 a.m.	**United Nations Relief and Works Agency for Palestine Refugees in the Near East**
	General debate *(concluded)*

Date/time	Programme
Tuesday, 7 November	
10 a.m.	Introductory statement, question-and-answer period and general debate on:
	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
Wednesday, 8 November	
10 a.m.	**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**
	General debate *(continued)*
Thursday, 9 November	
10 a.m.	**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**
	General debate *(concluded)*
Friday, 10 November	
10 a.m.	**United Nations Relief and Works Agency for Palestine Refugees in the Near East**
	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
	Introduction of and action on proposals
	Revitalization of the work of the General Assembly
	Proposed programme of work and timetable for the Special Political and Decolonization Committee (Fourth Committee) for the seventy-third session of the General Assembly and consideration of working methods
	Action on proposals on all outstanding agenda items
	Conclusion of the work of the Special Political and Decolonization Committee (Fourth Committee) for the main part of the session

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Seventy-first session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 58

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft decision submitted by the Chair

Question of Gibraltar

The General Assembly, recalling its decision 70/520 of 9 December 2015:

(a) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;

(b) Takes note of the position of Spain on this issue, including its proposal to start new discussions on the basis of the Brussels Declaration, and also takes note of Spain's presentation of a co-sovereignty offer before the Special Political and Decolonization Committee;

(c) Takes note of the position of the United Kingdom on this issue, that is, the commitment never to enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes, nor enter into a process of sovereignty negotiations with which Gibraltar is not content;

(d) Takes note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue;

(e) Takes note of the position of Spain that the trilateral Forum for Dialogue does not exist any longer and should be replaced with a new mechanism for local cooperation in which the people of the Campo de Gibraltar and Gibraltar are represented;

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(f) Encourages the United Kingdom and Spain to engage in a constructive and responsive manner, with all relevant and appropriate parties, in order to find common solutions and make progress on issues of mutual benefit.